

(SUBSTITUTE)  
RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 1998

1 WHEREAS, MJM Realty Trust Group has submitted an application designated  
2 as Special Permit No. 1998 for authority to construct a recreational facility with 11 indoor  
3 tennis courts, 12 outdoor tennis courts, fitness/exercise area, gymnasium, lap pool, children's  
4 learning center, pro shop, and concession area on property located at southeast of the  
5 intersection of South 84th and South Streets, and legally described to wit:

6 Lot 26 I.T., located in the West Half of the Southwest Quarter and  
7 the Southwest Quarter of the Northwest Quarter of Section 35,  
8 Township 10 North, Range 7 East of the 6th P.M., Lancaster  
9 County, Nebraska and more particularly described as follows:

10 Referring to the northwest corner of the West Half of the  
11 Southwest Quarter of said Section 35; thence in an easterly  
12 direction, along the north line of the West Half of the Southwest  
13 Quarter of said Section 35, for a distance of 50.00 feet to the  
14 point of beginning; thence in a southerly direction, along the  
15 easterly 50.00 foot right-of-way line of South 84th Street, on an  
16 assumed bearing of south 00 degrees 35 minutes 21 seconds  
17 east, for a distance of 79.67 feet to a point on the northerly 33.00  
18 foot right-of-way line of South Street; thence south 89 degrees 37  
19 minutes 53 seconds east, along the northerly 33.00 foot right-of-  
20 way line of South Street, for a distance of 174.92 feet; thence  
21 continuing along the northerly 33.00 foot right-of-way line of South  
22 Street, on a curve to the left having a radius of 731.49 feet and an  
23 arc length of 229.63 feet, being subtended by a chord of north 81  
24 degrees 22 minutes 32 seconds east, for a distance of 228.69  
25 feet; thence north 72 degrees 22 minutes 56 seconds east, along  
26 the northerly 33.00 foot right-of-way line of South Street, for a  
27 distance of 35.32 feet; thence south 89 degrees 37 minutes 53  
28 seconds east, parallel to and 33.00 feet south of the north line of  
29 the West Half of the Southwest Quarter of said Section 35, for a  
30 distance of 329.50 feet to a point on the southerly 33.00 foot  
31 right-of-way line of South Street; thence along the southerly 33.00

1 foot right-of-way line of South Street, on a curve to the left having  
2 a radius of 731.49 feet and an arc length of 229.63 feet, being  
3 subtended by a chord of south 81 degrees 22 minutes 32  
4 seconds west, for a distance of 228.69 feet; thence south 72  
5 degrees 22 minutes 56 seconds west, along the southerly 33.00  
6 foot right-of-way line of South Street, for a distance of 122.84  
7 feet; thence continuing on the southerly 33.00 foot right-of-way  
8 line of South Street on a curve to the right having a radius of  
9 797.49 feet and an arc length of 250.35 feet, being subtended by  
10 a chord of south 81 degrees 22 minutes 32 seconds west, for a  
11 distance of 249.32 feet; thence north 89 degrees 37 minutes 53  
12 seconds west, for a distance of 173.82 feet to a corner of said  
13 Lot 26; thence south 00 degrees 35 minutes 21 seconds east,  
14 along the easterly 50.00 foot right-of-way line of South 84th  
15 Street, for a distance of 525.33 feet to the southwest corner of  
16 said Lot 26; thence south 89 degrees 43 minutes 24 seconds  
17 east, along the south line of said Lot 26, for a distance of  
18 1275.66 feet to the southeast corner of said Lot 26; thence north  
19 00 degrees 28 minutes 39 seconds west, along the east line of  
20 the West Half of the Southwest Quarter of said Section 35, for a  
21 distance of 668.94 feet to the northeast corner of the West Half  
22 of the Southwest Quarter of said Section 35; thence north 89  
23 degrees 37 minutes 53 seconds west, along the north line of the  
24 West Half of the Southwest Quarter of said Section 35, for a  
25 distance of 731.79 feet to a corner of said Lot 26; thence north  
26 00 degrees 03 minutes 53 seconds west, for a distance of 33.00  
27 feet to a corner of said Lot 26; thence north 89 degrees 37  
28 minutes 53 seconds west, along the north line of said Lot 26, for  
29 a distance of 545.21 feet to the northwest corner of said Lot 26;  
30 thence south 00 degrees 03 minutes 53 seconds east, along the  
31 easterly 50.00 foot right-of-way line of South 84th Street, for a  
32 distance of 33.00 feet to the point of beginning; said property  
33 contains 19.19 acres, more or less;

34 WHEREAS, the real property adjacent to the area included within the site plan  
35 for this recreational facility will not be adversely affected; and

36 WHEREAS, said site plan together with the terms and conditions hereinafter  
37 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code  
38 to promote the public health, safety, and general welfare.

1                   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
2 Lincoln, Nebraska:

3                   That the application of MJM Realty Trust Group, hereinafter referred to as  
4 "Permittee", to construct a recreational facility with 11 indoor tennis courts, 12 outdoor tennis  
5 courts, fitness/exercise area, gymnasium, lap pool, children's learning center, pro shop, and  
6 concession area, on the property legally described above, be and the same is hereby granted  
7 under the provisions of Section 27.63.130 of the Lincoln Municipal Code upon condition that  
8 construction and operation of said recreational facility be in strict compliance with said  
9 application, the site plan, and the following additional express terms, conditions, and  
10 requirements:

- 11                   1.     This permit approves a recreational facility consistent with the revised  
12 site plan.
- 13                   2.     Revise the site plan to show:
  - 14                   a.     A signed surveyor's certificate.
  - 15                   b.     Street trees planted along South 84th Street per Parks and  
16 Recreation Department review. The tree species and quantity of  
17 trees to be removed must also be shown.
  - 18                   c.     Deletion of Note #5 from Sheet 1 relating to municipal water  
19 service.
  - 20                   d.     The easements requested by the LES review dated January 3,  
21 2003.
- 22                   3.     Before receiving building permits:
  - 23                   a.     The Permittee must submit a revised, acceptable, final plan  
24 including five copies.

1                   b.     The construction plans must conform to the approved plans.

2                   c.     A revised grading and drainage plan approved by the Public  
3                         Works and Planning Department.

4                   4.     Before occupying the recreational facility all development and  
5                         construction must be completed in conformance with the approved plans.

6                   5.     The site plan approved by this permit shall be the basis for all  
7                         interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
8                         elements, and similar matters.

9                   6.     The terms, conditions, and requirements of this resolution shall be  
10                        binding and obligatory upon the Permittee, its successors, and assigns. The building official  
11                        shall report violations to the City Council which may revoke the special permit or take such  
12                        other action as may be necessary to gain compliance.

13                   7.     The Permittee shall sign and return the City's letter of acceptance to the  
14                        City Clerk within 30 days following approval of the special permit, provided, however, said 30-  
15                        day period may be extended up to six months by administrative amendment. The City Clerk  
16                        shall file a copy of the resolution approving the special permit and the letter of acceptance with  
17                        the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

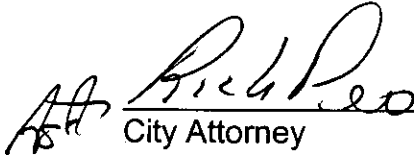
18                   8.     The Permittee agrees to not oppose the creation of a district for the  
19                        improvement of South Street abutting the property covered by this special permit at such time  
20                        as either the property is annexed or the land on the north side of South Street adjacent to this  
21                        property is developed.

1                    9.     The City will initiate annexation of the South Street right-of-way from  
2     South 84th Street east to a point 50' beyond the end of the proposed temporary termination  
3     of the South Street paving.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor